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10/584,764	05/10/2007	Liangshen Chen	4502-1068	5796
<div>465 7590 08/04/2009</div> <div>YOUNG &amp; THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314</div>				
EXAMINER				
RAHMAN, MAHPUZUR				
ART UNIT		PAPER NUMBER		
2438				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/584,764

**Applicant(s)**

CHEN ET AL.

**Examiner**

MAHFUZUR RAHMAN

**Art Unit**

2438

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-893)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 6/28/2006

## DETAILED ACTION

Claims 1-11 are examined and are pending.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1- 3, and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Pradhan et al. (US 2004//0235521 A1, hereinafter, Pradhan).**

**Regarding claim 1**, Pradhan discloses a method of managing the rights to digital media containing a user agent in a network environment (Paragraph 0049: access rights associated with digital media in a network environment) comprising:  
at initialization detecting network data packets containing license number information of other such digital media including programs running on the network (Paragraph 0034: identifying/authenticating media cards when different types of media

(i.e. digital media) associated with pseudo-license (i.e. license number) is detected on the network at initialization) and

when the detected license number is identical to that being initialized preventing initialization continuing (Paragraphs 0028 and 0034: authenticating media card using access right information (i.e. license number) resulting in prevention of initial authorization process), or when the detected license number is not identical to that being initialized allowing digital media initialization packet (Paragraphs 0028, 0034 and 0036: digital media initialization continues if access right information (i.e. license number) of system user is not from one of the authorized users (i.e. not identical license information)) and then broadcasting the license number into the network in a data (Paragraph 0028: transmitting access rights information (i.e. license number) with digital media (i.e. data) once access right information is validated)

**Regarding claim 2**, Pradhan discloses a method as claimed in claim 1 wherein the digital media once initialized replicates onwards packets from other instances of the digital media accessed or running elsewhere on the network (Paragraphs 0037 and 0039: accessing digital media associated with access rights using decryption key; Fig. 4: media files transmission on the network)

**Regarding claim 3**, Pradhan discloses Claim a method as claimed in claim 1 wherein the digital media is a program running on the network (Paragraphs 0037 and 0039: transmission of digital media such as music, movies on the network)

**Regarding claim 5**, Pradhan discloses a method of generating a license number for digital media as claimed in claim 1 consisting of:

generating a unique license code generating from the license code a verification code and concatenating this to the license code encrypting the concatenated code and dispersing it with the digital media (Paragraphs 0034 and 0037-0038: encrypting digital media (music, movies, etc.) and associated access rights (i.e. license information) using Data Encryption Standard (DES) algorithm for dispersing to the media card)

**Regarding claim 6**, Pradhan discloses a method as claimed in claim 5 consisting of generating a user code from the encrypted code (Paragraphs 0037 and 0041: digital token is transmitted from media card containing encrypted code).

**Regarding claim 7**, Pradhan discloses a method as claimed in claim 1 wherein the user agent is embedded in a multimedia file or disc (Paragraph 0049: encrypted multimedia files stored in MP3 player) .

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pradhan as applied to claims 1 above in view of Capitant et al. (US 2003/0078891 A1, hereinafter, Capitant).**

**Regarding claim 4**, Pradhan discloses a method as claimed in claim 3 comprising:

when a packet containing a license number identical to that being initialized is received (Paragraph 0034: access rights such as a license associated with digital media)

Pradhan does not disclose but Capitant from the same or similar fields of endeavor teaches,

broadcasting to the network a packet with a "halt" command, receiving the halt command in the computer with the duplicate program running, and causing the program to terminate (Capitant, Paragraph 0020: an exception is thrown (i.e. halt instruction) corresponding to the license information for (L)-compliant devices in a digital rights management (DRM) system).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention to receive a stop command (i.e. exception thrown) resulting in a program termination as taught by Capitant in the teaching of Pradhan for the advantage of allowing communication between devices without mutual interference and enhancing user experience through product interoperability (Capitant, Paragraph 0022: enhancing user experience).

**6. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pradhan et al. (US 2004//0235521 A1, hereinafter, Pradhan) in view of Capitant et al. (US 2003/0078891 A1, hereinafter, Capitant).**

**Regarding claim 8**, Pradhan discloses a computer when running a user agent of digital media such as a program, which user agent on initialization recognizes other instances of the digital media on the network (Paragraph 0012: a computer program identifying access right information associated with digital media (i.e. other instances of the digital media) on the network at initialization)

a detector which detects a positive comparison and prevents initialization of the digital media when an identical license code is found (Paragraph 0049: identifying access right information (i.e. license number) and a positive match resulting in prevention of initial authorization process).

Pradhan does not disclose but Capitant from the same or similar fields of endeavor teaches,

an initialization invocation which initializes the digital media and broadcasts the digital media license code if the license code is not found (Paragraphs 0014-0015: an initiator coupled to the one or more license compliant devices for an initialization invocation and broadcasting license associated with digital media) and

a comparator which compares the license code of other instances of the digital media on the network with the license code of the initializing version



(Paragraph 0060: comparing DRM information included in the license (license code) to the license information retrieved during initialization, for example).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have an initiator for initialization invocation and comparing license information to the one retrieved during initialization as taught by Capitane in the teaching of Pradhan for the advantage of matching conditional device DRM data (Paragraph 0016: match conditional device DRM data) and initializing one or more devices using the initiator (Paragraph 0014: initiator to initialize one or more of the L-compliant devices).

**Regarding claim 9**, the combination of Pradhan and Capitane teaches a computer as claimed in claim 8 wherein the comparator may also detect a "halt" instruction from an initialization invocation on a computer which is using an identical license number (Capitane, Paragraph 0020: an exception is thrown (i.e. halt instruction) corresponding to the license information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a halt instruction by throwing an exception as taught by Capitane in the teaching of Pradhan for the advantage of allowing communication between devices without mutual interference and thus enhancing user experience through product interoperability (Capitane, Paragraph 0022: enhancing user experience).

**Regarding claim 10**, the combination of Pradhan and Capitant teaches a computer as claimed in claim 8 wherein on detection by the detector of a positive comparison, a network interface broadcasts a "halt" indication to the originating user agent (Capitant, Paragraph 0020: an exception is thrown (i.e. halt instruction) corresponding to the license information for (L)-compliant devices in a digital rights management (DRM) system).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a halt indication as an exception is thrown as taught by Capitant in the teaching of Pradhan for the advantage of allowing communication between devices without mutual interference and enhancing user experience through product interoperability (Capitant, Paragraph 0022: enhancing user experience).

**Regarding claim 11**, the combination of Pradhan and Capitant teaches a computer as claimed in claim 8 wherein the user agent is invoked from a multimedia disc or file (Pradhan, Paragraph 0047: MP3 player program for playing media files, for example).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Miller Patent No. 7,382,879 B1 discloses Digital rights management negotiation for streaming media over a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAHFUZUR RAHMAN whose telephone number is (571)270-7638. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi T. Arani can be reached on (571) - 272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MAHFUZUR RAHMAN/

Examiner, Art Unit 2438

/Taghi T. Arani/

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Supervisory Patent Examiner, Art Unit 2438